

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

KATIE STARKS,

Plaintiff,

v.

**TULA LIFE, INC.,
113 University Pl, 11th Floor
New York, NY 10003**

Defendant.

Civil Action No: 8:23-cv-00004

JURY DEMAND

COMPLAINT

Katie Starks (hereinafter “Plaintiff” or “Mrs. Starks”), by and through her attorneys, brings this action because Defendant TULA Life, Inc. (hereinafter “Defendant TULA” or “TULA”), made false and defamatory statements online about Mrs. Starks, in response to their termination of contract based on political views made on Mrs. Starks’s personal social media. These false allegations were made by TULA in order to keep their customers from boycotting their products and resulted in exposing Mrs. Starks to public ridicule, hatred, and contempt. In addition, these false allegations caused Mrs. Starks to suffer loss of income and ultimately cost Mrs. Starks her business and brand as a social media influencer.

PARTIES

1. Plaintiff Katie Starks is a citizen of the United States, residing in Omaha, Nebraska.

2. Defendant, TULA Life, Inc. is a New York skincare corporation with its headquarters located at 113 University Pl Fl 11, New York, New York, 10003. TULA owns and supplies beauty supply stores throughout the United States.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over Plaintiff's diversity of citizenship claims pursuant to 28 U.S.C. § 1332. The amount of amount in controversy exceeds \$75,000, exclusive of costs and interest. Plaintiff KATIE STARKS is a citizen of Nebraska. Defendant TULA LIFE, INC. is a corporation incorporated under the laws of Delaware with its principal place of business in New York. TULA LIFE, INC. is authorized and doing business throughout the state of Nebraska through various retail store locations.

4. This Court has personal jurisdiction over Defendant as Defendant TULA has availed itself of the benefits of conducting business in Nebraska, thereby satisfying the minimum contacts necessary. *See International Shoe v Washington*, 326 U.S. 310 (1945). TULA also availed itself to the Court's jurisdiction through its publication of the defamatory statements across the entire online "TULA community" including recipients located in this Court's district.

6. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because a substantial part of the events, acts, and omissions giving rise to Mrs. Starks's claims occurred in this District, Mrs. Starks is domiciled in this District, suffered the harms in this District, and Defendant TULA also maintains products in retail locations in this District and regularly conducts business in this District.

7. Choice of Law is proper in this court pursuant to Arnone v. Aetna Life Ins. Co., 860 F. 3d 97, 108 (2d Cir. 2017) in which courts are reluctant to read choices of law clauses broadly. Here, the clause was narrow enough to limit choice of law to only the contractual agreement by stating, "this agreement contains the entire understanding" of the parties and any action to enforce "this agreement... shall be governed by the laws of New York." Pursuant to Inacom Corp. v. Sears, Roebuck and Co., 254 F.3d 683 (8th Cir. 2001), where, although the claim

arose out of the circumstances surrounding the formation of the contract, there was no indication in the agreement that the parties intended to elect Illinois law as the forum for every contract-related claim and torts related to those claims.

STATEMENT OF FACTS

8. Mrs. Starks is a married mother to four children. Prior to January 1, 2021, she was known for her family-friendly health, beauty, and lifestyle blogs on her website and Instagram. She generated approximately \$12,000 a month in revenue from beauty product sponsorships alone. She has worked with the Defendant TULA on approximately 18 collaborations.

9. She had a 12-13 month contract with TULA and during that time period she was not suspended, disciplined, or reprimanded for any of the content shared.

10. By the summer of 2021, mask mandates for Omaha, Nebraska, had been lifted for multiple months.

11. The school district where the Starks' children were enrolled sent several emails before the fall semester began stating that families would be permitted to choose whether their children would wear masks at school.

12. Roughly one week before school was scheduled to start, the school board casually announced at a school board meeting that mask mandates would be reinstated at schools.

13. In August of 2021, Mrs. Starks's husband, Luther Starks ("Mr. Starks"), announced that he was going to run for the school board due to the school implementing mask mandates and no longer providing an online alternative for children besides suspension. However, the election would not take place until the following November.

14. Mrs. Starks and her husband, Luther Starks (“Mr. Starks”), were vocal advocates on their shared private Facebook account regarding the right for parents to choose whether their children would wear masks to school.

15. Mr. and Mrs. Starks created a post on Facebook explaining the school board’s announcement and encouraging their friends to voice their concerns to the school board.

16. At the next school board meeting, hundreds of people attended to voice their concerns about the potential mask mandate. So many people attended that the meeting was telecast so that everyone attending could watch the meeting.

17. The school board agreed to allow parents to choose whether their children would wear masks to school.

18. Merely ten days after school began, at 4:00 p.m., the school sent a mass email to parents updating the COVID-19 policies. While parents still had the choice whether or not to mask their children, if one child in a class tested positive for COVID-19, then the entire class would be required to wear masks for two weeks.

19. Once ten days have passed into the school year, the school receives funding for the children attending. The school keeps the funding it receives for each child, even if a child is removed from the school during the school year.

20. Mr. and Mrs. Starks submitted religious exemptions and medical exemptions for their children so they would not be forced to wear masks. However, these exemptions were denied.

21. Mr. and Mrs. Starks had a meeting with the school regarding their youngest child, who has autism and is in the school’s special needs program.

22. The school agreed that the Starks' youngest child could have a mask exemption for the 2-week protocols, but if a permanent mask mandate was implemented, he would be required to wear a mask.

23. Several people who wanted schools to implement mask mandates began sending messages to Mrs. Starks's sister, who manages Mrs. Starks's Instagram inbox.

24. Women belonging to the "Progressive Women of Omaha" group began posting pictures of the Starks family dressed up as police officers for Halloween in 2020. The group commented that the Starks family was committing child abuse, that the photograph supporting police officers was "triggering," and that Mr. Starks was sympathizing with his oppressor.¹

25. The Progressive Women of Omaha began sharing Mr. Starks's work information and Mrs. Starks's brand partners, and the group encouraged each other to reach out to Mr. Starks's employer and Mrs. Starks's brand partners.²

26. Mr. and Mrs. Starks called the police in attempt to file a report against the members of the Progressive Women of Omaha.

27. Members of the Progressive Women of Omaha publicly stated that Mr. and Mrs. Starks were a danger to their community. This went on for multiple months.³

28. Because Mr. and Mrs. Starks disagreed with the 2-week mask protocols, whenever a child in one of their children's classes tested positive for COVID-19, Mr. and Mrs. Starks would walk their child into school without a mask so that the child would be suspended and sent home with their schoolwork for the 2-week period. Mr. and Mrs. Starks took this action

¹ See Exhibit 1

² *Id.*

³ *Id.*

so that the school had a record of the suspensions and was required to send schoolwork home, rather than having the children counted as absent.

29. On January 11, 2022, the Douglas County Health Director implemented an emergency mask mandate for the city beginning at midnight on January 12.

30. Mr. and Mrs. Starks received many messages on Facebook asking what their friends and followers should do about the mask mandate.

31. Mr. and Mrs. Starks encouraged parents to take their children to school without masks on the following day.

32. Omaha's mayor and governor attempted to fight the mask mandate, but they were unsuccessful.

33. Mr. Starks took his children to school without masks on January 12.

34. Despite the apparent support that Mr. and Mrs. Starks had received by many parents who agreed to take their children to school without masks, Mr. Starks was the only parent to follow through.

35. The Starks children were suspended.

36. That night, Mr. and Mrs. Starks created a Facebook Live, in which they encouraged their community and like-minded people to stand up against mask mandates and to stop financially supporting business that would not take such a stand.

37. In the video Mr. and Mrs. Starks stated, "If everyone just sits back and allows this to happen, this is how things happen. You have to stand up and lock arms with us. If you don't want your kids in masks, if you feel very strongly about this, you have to lock arms with us, don't send your kids to school with masks."

38. Many viewers from both political sides commented on the video, and arguments escalated when commenters said that Mrs. Starks made wearing masks sound like the Holocaust or comparing it to the treatment of people during the Holocaust.⁴

39. Mrs. Starks did not start the Holocaust argument, nor did she like or condone any of the comments. She was recording the live video while all of these comments were being made.⁵

40. Friday morning in mid-January, Mrs. Starks received a phone call from her Public Relations manager informing her that HelloFresh, a brand Mrs. Starks had been working with for multiple months, wanted to pause her content.

41. HelloFresh's legal team had advised HelloFresh to pause Mrs. Starks's content because of the company's policy to pause influencer content upon receiving email complaints about the influencer from five people.

42. About one hour later, Mrs. Starks received an email from Thrive Market stating that, "because we partner with the Coalition on Covid, we can no longer continue our partnership with Katie."

43. At the time, Mrs. Starks had an active post influencing for Thrive Market, and Thrive Market insisted that she remove her stories immediately.

44. Mrs. Starks then received an email from Luminuex, a teeth-whitening company that she had worked with for about one year, stating that "because our company is heavily rooted in science, we can no longer partner with Katie."⁶

⁴ See Exhibit 2

⁵ *Id.*

⁶ See Exhibit 3

45. That afternoon, Mr. and Mrs. Starks shared on Instagram the brands that had cancelled their partnerships with her due to her political stance and outcry from individuals who disagreed with her.

46. The next day, Mrs. Starks filmed a video for Instagram TV, in which she shared the brands that cancelled their partnerships with her.

47. The following Wednesday, Jess Fay, one of Mrs. Starks's friends who worked as an influencer and who had shared on a conservative podcast that she had experienced brands cancelling their partnerships with her due to her political beliefs, sent a message to Mrs. Starks telling her that TULA had cancelled Jess's partnership.

48. Mrs. Starks had been working with TULA for well over one year, and she realized that her manager had removed the due date for her scheduled post for TULA from the previous week and that she had no post scheduled for the current week.

49. Mrs. Starks contacted her manager, who informed her that TULA had sent an email cancelling its partnership with Mrs. Starks on the previous Friday.⁷

50. Mrs. Starks was outraged, and she posted on Instagram that TULA had cancelled her.

51. Following this post, thousands of people cancelled their subscriptions to the brands that cancelled partnerships with Mrs. Starks.⁸

52. TULA began sending individual responses to users saying, "At TULA, we have zero tolerance for racism or hate within our community & regularly reevaluate our brand partnerships to ensure all our partners are aligned with our values. We have publicly committed ourselves as an ally to underrepresented communities & take this commitment seriously. As a

⁷ See Exhibit 4

⁸ See Exhibit 8

brand, we do not ‘talk politics’ on our social media or anywhere else, and we would not part ways with a partner solely due to their political stance out of respect for a range of political beliefs. However, when it comes to human rights, TULA is actively anti-racist & confidently speaks out against injustice.”⁹

53. On January 29, TULA posted on Instagram a nearly identical statement, which started a feud in the comment section prompting TULA to disable their comments for the time being.¹⁰

54. Despite TULA having nearly 500,000 followers on Instagram, most of their posts receive minimal engagement. For instance, most posts receive roughly fifteen to twenty five comments.

55. However, the post that TULA published on January 29 received 11,000 likes and nearly 4,000 comments.

56. While the Instagram post did not mention Mrs. Starks by name, thousands of commenters referred to Mrs. Starks by name and accused her of being so racist that she married an African American man in order to dilute the African American population.

57. TULA was sent a screengrab from the comments section showing that Mrs. Starks never made racist comments, that she never liked, or even condoned, such comments, and that such comments were made from other Facebook users with no connection to Mrs. Starks or her brand.¹¹

⁹ See Exhibit 7

¹⁰ The post read: “As a brand, we would not part ways with a partner solely due to their political stance, out of respect for a range of political beliefs. However, when it comes to human rights, TULA is actively anti-racist & confidently speaks out against injustice. **We, as a team and as a brand, have zero tolerance for racism or hate within our community.** We have publicly committed ourselves as an ally to underrepresented communities & take this commitment seriously.” (emphasis in original). See Exhibit 6.

¹¹ See Exhibit 10

58. Despite receiving this information, TULA continued to stand by their statements and label Mrs. Starks a racist.

59. Lumineux then began sending messages to individuals supporting Mrs. Starks, stating, “Katie made a comment comparing mask mandates to the holocaust. The Founder of our company is Jewish and we feel comparisons like this are unnecessary and incendiary at a time where we as a company are working hard to encouraging [sic] positivity and compassion. Simply put, these kinds of statements don’t align with our values so we are choosing not to work with her. She has the right to speak her mind on her platform and we have the right to do the same as a privately owned company.”¹²

60. As mentioned above, Mrs. Starks never compared mask mandates to the Holocaust.

61. In or around April 2022, Mrs. Starks shared a Nebraska Freedom Coalition “Take Back Nebraska” summit.

62. The summit was scheduled to be held on a Saturday night at Creighton University, with a cocktail reception to be held that evening at Jams, a local restaurant in downtown Omaha.

63. The keynote speaker, Jack Posobiec, was scheduled to speak at the reception.

64. Mrs. Starks was asked to speak at the summit, but she declined due to her dislike of public speaking.

65. On the Saturday morning of the summit, someone from the Nebraska Freedom Coalition asked Mrs. Starks to share information about a change of venue, because both

¹² See Exhibit 5

Crieghton University and Jams suddenly refused to host the summit or reception as of 3:00 p.m. on Friday.

66. Both venues published public social media posts that they would not allow an event such as the one scheduled to be held because they received numerous phone calls alleging that the group was a white nationalist, white supremacist, Nazi group.

67. Mr. and Mrs. Starks took their children to the reception, which was transferred to a local pizzeria, and Mr. Starks spoke.

68. The callers who forced the first two venues to cancel then left defamatory and incendiary comments on Facebook, Yelp, Google, etc. stating that a Ku Klux Klan meeting was held at the pizzeria, that the pizzeria served swastika-shaped food, and that patrons were turned away because they wanted to wear masks and the owners called them “sheep.”

69. The mob of callers have called on repeat and played sound bites of Hitler screaming.

70. Upon information and belief, the callers are acting as members of a group named “Seeing Red Nebraska.”

71. Due to TULA’s false and defamatory statements and accusations, Mrs. Starks was marked a racist, was harassed, and her brand plummeted as she lost followers and, consequently, lost income.

72. Defendant TULA never issued a retraction or apology after sabotaging Mrs. Starks and causing her devastating harm, despite receiving emails containing evidence that Mrs. Starks never made racist statements.

73. TULA has made no efforts to remedy the damages caused to Mrs. Starks and has caused great irreparable harm. This lawsuit implicates significant monetary damages, including without limitation, punitive damages.

74. Specifically, Mrs. Starks has suffered significant psychological and emotional harm as a result of the defamatory statements made by the Defendants.

75. Mrs. Starks has been the subject of persistent hatred and ridicule on social media and other online platforms following these defamatory statements.

76. She has been harassed, bullied, and falsely reported by social media users in order to drive her off of social media.

77. Due to their defamatory statements, Defendant TULA has caused Mrs. Starks not only the loss of her primary source of income but also erased years of personal work, ingenuity, and determination in making a name for herself in the blogging world.

78. TULA's actions have caused the loss of the future of her brand as well, and all of this has taken a significant emotional and mental toll on Mrs. Starks.

FIRST CAUSE OF ACTION

Defamation (Libel)

79. Plaintiffs reallege and incorporates paragraphs 1 through 78 above as if fully set forth herein.

80. Mrs. Starks realleges and incorporates by reference each of the preceding paragraphs as if fully set forth herein.

81. Defendant TULA defamed Mrs. Starks when it wrote a post and shared it on social media to millions of users that Mrs. Starks made hateful and racist remarks.

82. This publication to TULA's followers was unprivileged because Mrs. Starks did not authorize any such publication about her beliefs, whether true or false, by TULA.

83. TULA acted with "actual malice," that is, with knowledge of falsity or with reckless disregard for the truth, by publishing statements that referred to Mrs. Starks as a racist.¹³ TULA knew or recklessly disregarded the fact that Mrs. Starks is not racist. Not only is she married to an African American man with whom she has four biracial children, but she has also never made nor condoned racist remarks. She has also never acted in ways that would disparage underrepresented communities. She did not, and does not, endorse any references that her followers made likening mask mandates to the Holocaust.¹⁴

84. Because of TULA's defamatory statements, Mrs. Starks has suffered professional, business, and personal losses. She is now viewed as a racist due to TULA's publication, multiple brands have cancelled their partnerships with her, and others have refused to begin partnerships with her. She and her family has faced public ridicule, scorn, and hatred from members of her community and from people all over the United States.¹⁵

SECOND CAUSE OF ACTION

Breach of Contract

85. Plaintiffs reallege and incorporates paragraphs 1 through 84 above as if fully set forth herein.

86. There is existence of a promise as evidenced by the facts above, as well as in evidence of the signed contractual agreement.

¹³ The US Supreme Court has defined (in *Gertz v. Robert Welch, Inc.*, 418 US 323 (1974)) public figures as those who occupy positions of such persuasive power and influence that they are deemed public figures for all purposes or those who have thrust themselves to the forefront of particular public controversies in order to influence the resolution of the issues involved

¹⁴ See Exhibit 8

¹⁵ See Exhibit 9

87. Defendants breached the promise when they terminated their relationship with the Plaintiff due to political reasons before the contractual agreement ended.

88. Plaintiff exercising her right to free speech under the First Amendment on her private Facebook account does not give rise to breach by the Defendant.

89. The Plaintiff has suffered damages due to the breach in compensation damages, expectation damages, damages due to loss of reputation and lack of ability to obtain other work, and consequential damages.

THIRD CAUSE OF ACTION

Tortious Interference with a Business Relationship

90. Plaintiffs reallege and incorporates paragraphs 1 through 89 above as if fully set forth herein.

91. A valid business relationship or expectancy existed between the Defendants and the Plaintiff. The relationship consisted of the Plaintiff posting content on her social media account for the Defendant and advertising them as well. The Plaintiff was expected to post a certain number of posts of the Defendant as part of that business relationship.

93. The Defendants knew that the Plaintiff had a contract and existing business relationship with their company when they decided to stop working with her. The Defendants knew of Plaintiff's obligations to the company in providing social media content about the company.

94. The Defendants intentionally interfered with Plaintiff's business relationship when they insisted on ending the relationship based on her political views. The intentional act was unjustified, because they never investigated nor asked the Plaintiff about the accusations,

instead they chose to believe angry members of a political group whose only goal was to interfere with Plaintiff's ability to earn a living.

95. An unjustified intentional act by the Defendants labeling the Plaintiff a racist that was published to millions of people without verifying the accuracy of their statement is an interference.

96. The interference caused harm to the Plaintiff by her loss in income, reputation, followers, as well as being subjected to hatred, contempt, and ridicule. The interference led to the contract with Plaintiff being terminated without cause.

97. The Plaintiff was damaged by the acts of the Defendants economically and emotionally.

FOURTH CAUSE OF ACTION

False Light Invasion of Privacy

98. Plaintiffs reallege and incorporates paragraphs 97 through above as if fully set forth herein.

99. The Defendants placed the Plaintiff in a false light when they accused her publicly of being a racist.

100. The false light the Plaintiff was placed in would be highly offensive to a reasonable person.

101. The Defendants publicized false information about the Plaintiff, which had no basis in truth or merit.

101. The Defendants had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which the other would be placed. The Defendants had reason to know of Plaintiff's innocence and acted in reckless disregard of the truth due to the

lack of investigation on the Defendants part, as well as ignoring the evidence sent to them that cleared the Plaintiff's reputation.

102. Plaintiff was harmed as a result of the Defendant placing her in a false light with the public, where her livelihood is dependent off of.

FIFTH CAUSE OF ACTION

Intentional Infliction of Emotional Distress

103. Plaintiffs reallege and incorporates paragraphs 1 through 102 above as if fully set forth herein.

104. The Defendants acted intentionally and recklessly when they publicly labeled the Plaintiff a racist due to political pressure and refused to take down or retract the post after they knew it was false, which resulted in mental, emotional, and physical distress on the Plaintiff.

105. The conduct of the Defendants is so extreme and outrageous that it goes beyond all possible bounds of decency. The Defendants publicly ridiculed and embarrassed the Plaintiff when they shared to millions of people that they terminated their employment relationship with her because they do not tolerate racism and hate speech. The Plaintiff never made any form of hate speech, and it is atrocious and utterly intolerable in a civilized community for the Defendants to label her a racist in order to make their customers happy.

106. The Defendants were losing customers and decided to post a false statement about the Plaintiff in order to prevent any more customers from boycotting their products.

107. There is a high degree of probability that the Plaintiff would suffer severe emotional distress from being fired, by being publicly ridiculed, hated, and embarrassed. The Plaintiff suffered severe emotional distress as a result of the threats, hate messages, and embarrassment from people online and in public including at her children's school.

108. The Plaintiff has four biracial children and is married to an African American man and as a result of Defendant's actions the Plaintiff experienced severe emotional distress not only for herself but for the effects it had on her family.

109. As a proximate result of Defendant's actions, the Plaintiff has suffered severe emotional distress in the form of: fright, grief, shame, embarrassment, worry, nausea, anxiety, lack of sleep, nightmares, mental anguish, humiliation, and depression. Defendant's conduct towards the Plaintiff caused the plaintiff to suffer economic injuries, emotional injuries, physical symptoms caused by the mental distress, and pain and suffering.

110. The harm caused by the Defendants to the Plaintiffs was reasonably foreseeable. It is foreseeable that someone would suffer severe emotional distress if they are falsely accused of being racist and if those statements impacted her children's and families life as a result.

111. The plaintiff suffered damages as a result of Defendant's intentional conduct.

PRAYER FOR RELIEF

Mrs. Starks demand judgment against Defendant as follows:

- i. An award of compensatory, special, punitive, and/or treble damages in appropriate amounts to be established at trial;
- ii. Injunctive relief prohibiting the publication or republication of the defamatory statements;
- iii. An award of costs associated with this action;
- iv. Any other and further relief as the Court may deem just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

Dated: January 3, 2023

Respectfully Submitted,

/s/ Roger I. Roots

Roger I. Roots
John Pierce Law, P.C.
2550 Oxnard Street
3rd Floor, PMB # 172
Woodlands, Hills, CA 91367
RRoots@johnpiercelaw.com
(213) 279-7648

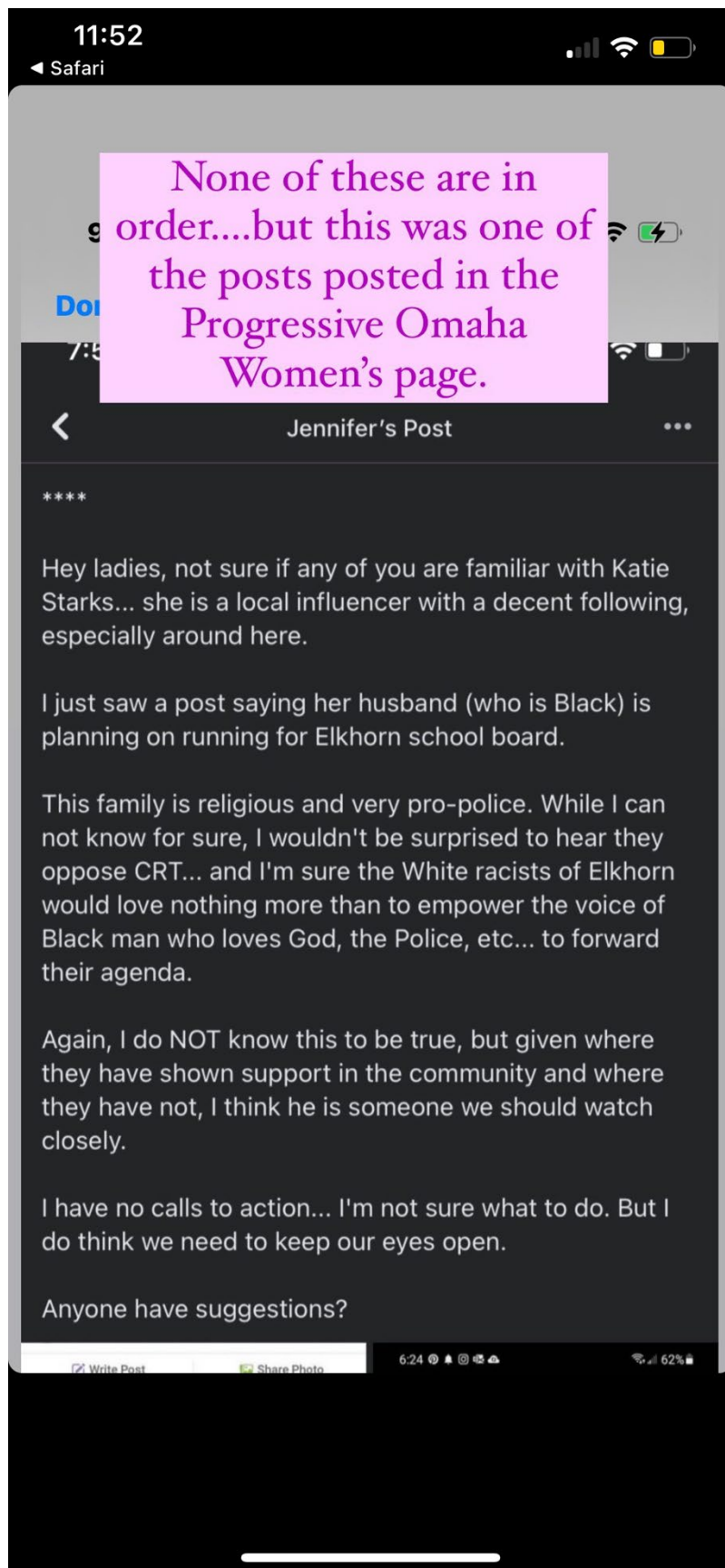
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on January 3, 2023, a true and accurate copy of the forgoing was electronically filed and served through the ECF system of the U.S. District Court for the District of Columbia.

/s/ Roger I. Roots
Roger I. Roots

EXHIBIT 1



None of these are in order....but this was one of the posts posted in the Progressive Omaha Women's page.

Hey ladies, not sure if any of you are familiar with Katie Starks... she is a local influencer with a decent following, especially around here.

I just saw a post saying her husband (who is Black) is planning on running for Elkhorn school board.

This family is religious and very pro-police. While I can not know for sure, I wouldn't be surprised to hear they oppose CRT... and I'm sure the White racists of Elkhorn would love nothing more than to empower the voice of Black man who loves God, the Police, etc... to forward their agenda.

Again, I do NOT know this to be true, but given where they have shown support in the community and where they have not, I think he is someone we should watch closely.

I have no calls to action... I'm not sure what to do. But I do think we need to keep our eyes open.

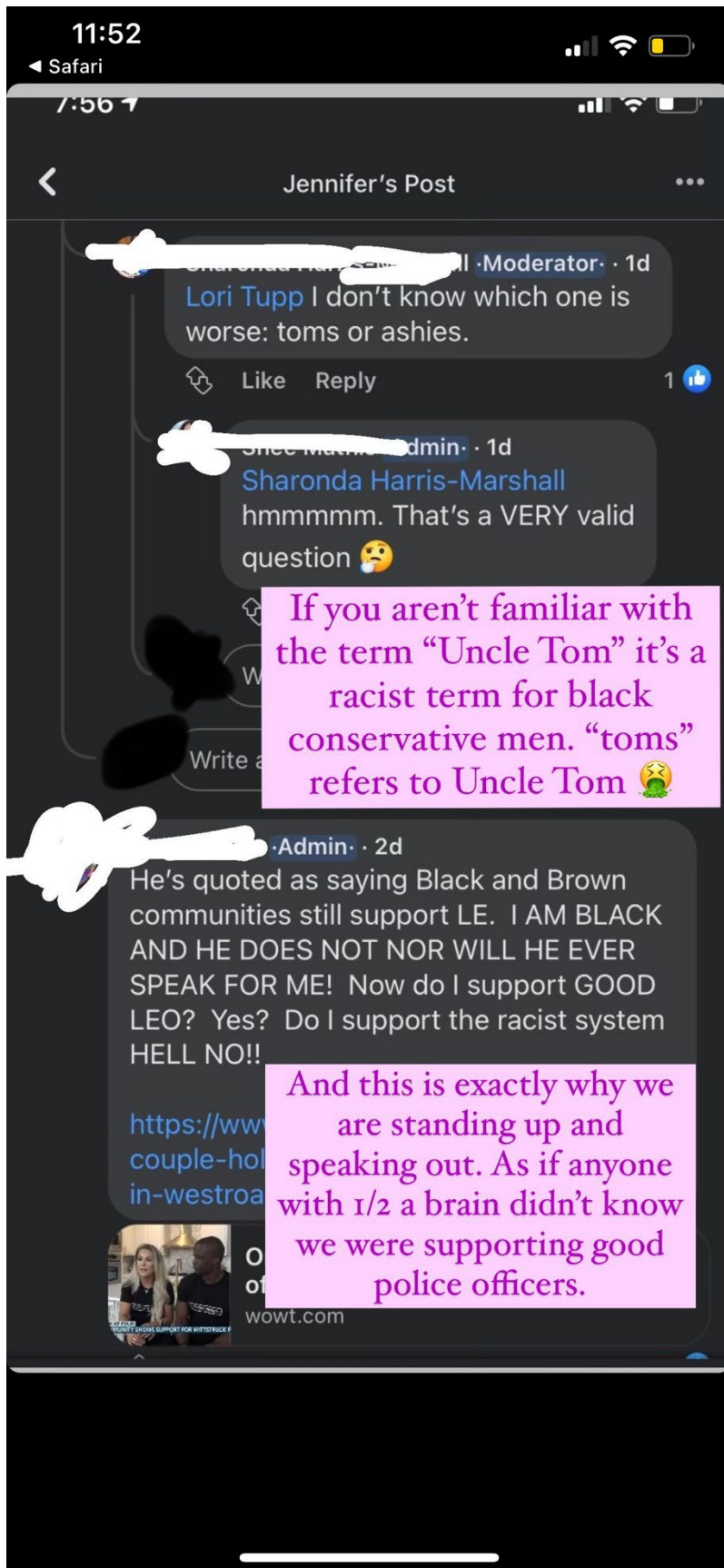
Anyone have suggestions?

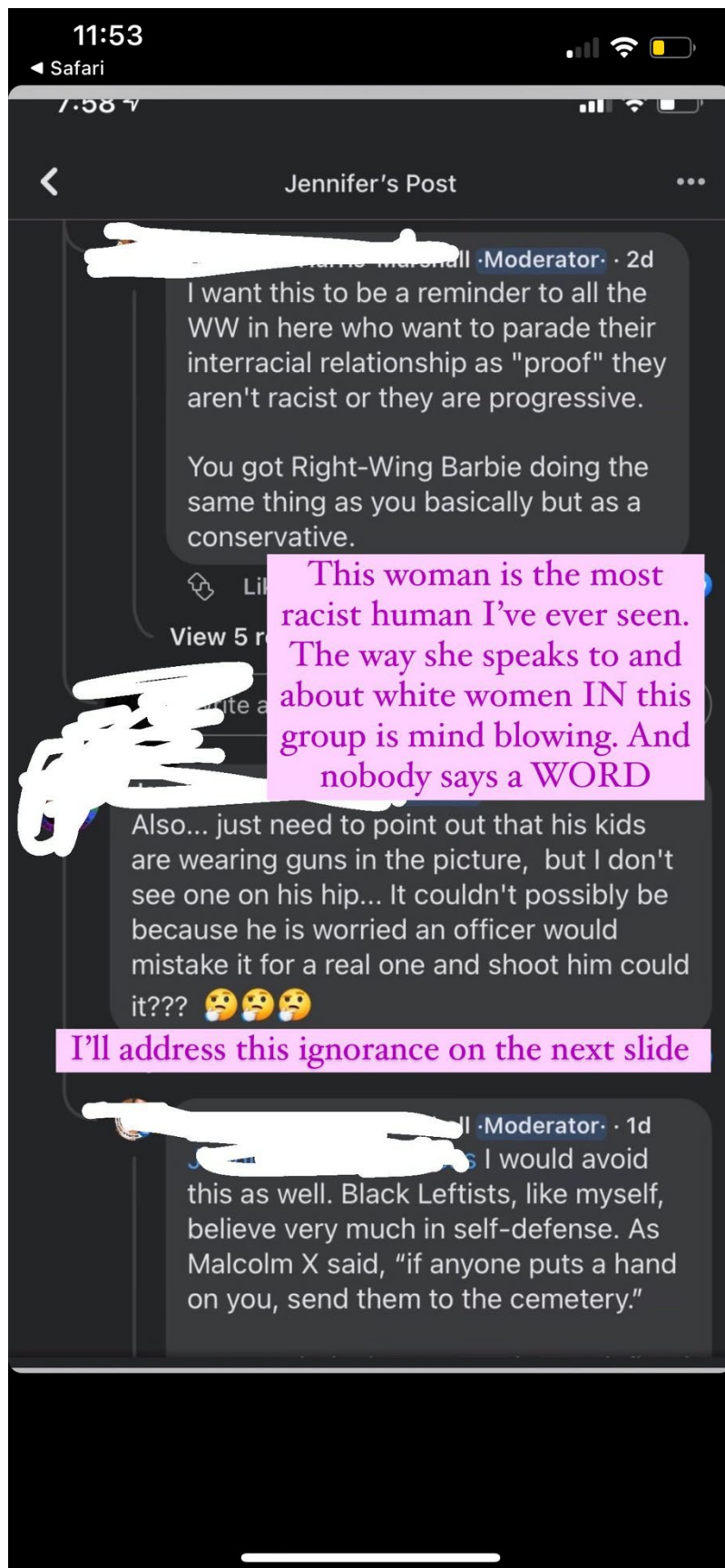
Write Post

Share Photo

6:24

62%







This is the picture she is referring to.
Let me enlighten you, Jennifer.
Luther wasn't wearing a plastic gun in
this picture because they were part of
a CHILDS costume and my KIDS
wanted them. FYI...by the end of the
night, he was carrying all 4 guns
without an OUNCE of worry

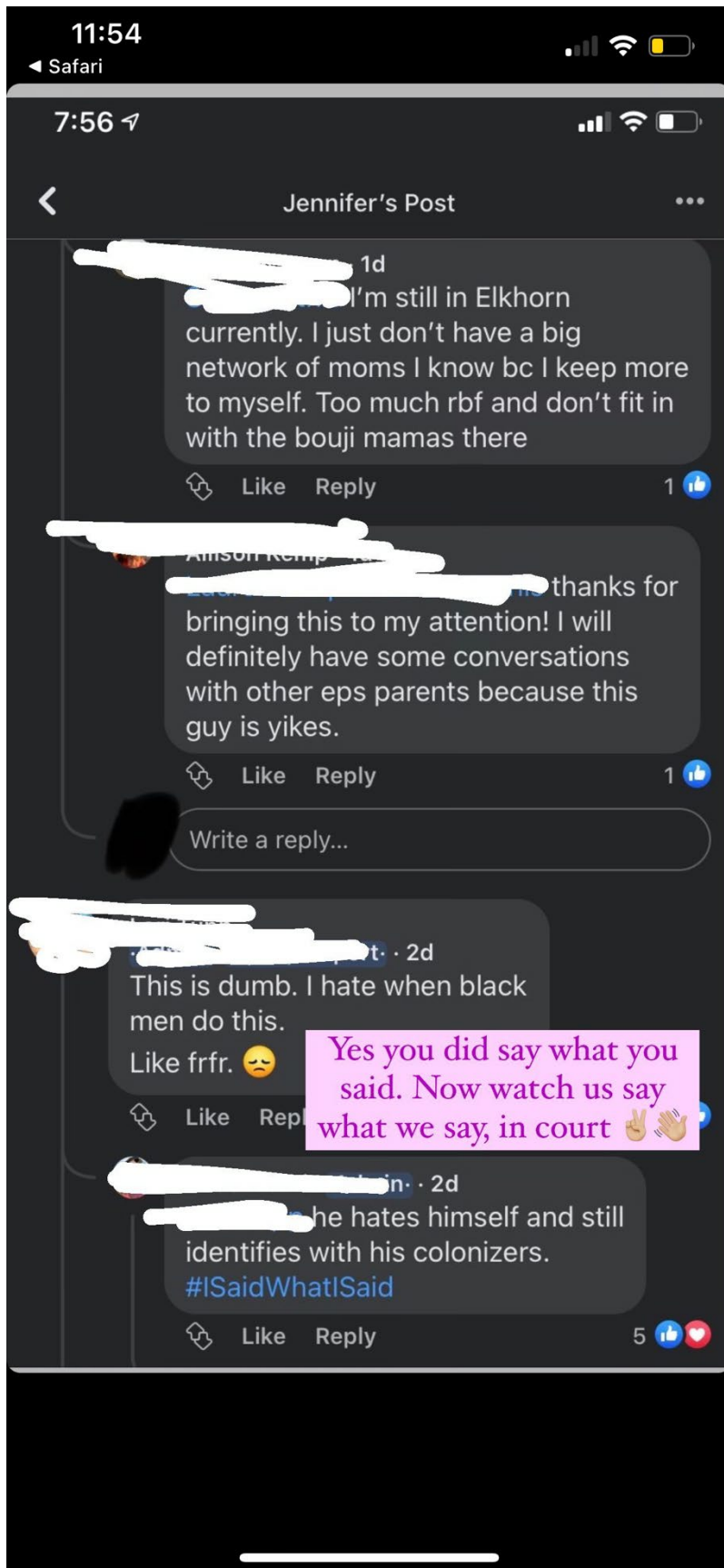




EXHIBIT 2

9:43



Luther Starks was live.



Jan 11 · 🌐



Stephanie Buckley

This is how the Holocaust started y'all!

2w Like Reply

4



Kristine Lynn

[Stephanie Buckley](#), Yep

2w Like Reply



Emma Smidt

Stephanie Buckley That's an absolutely psychotic thing to say. Wow. Not at all comparable and so so horrible of you to even think the atrocities of the Holocaust can in anyway be compared to the minor inconveniences we face due to Covid restrictions.

2w Like Reply

7



Ashley Ode

[Emma Smidt](#) how? Please tell us how this is not comparable? Do you have ANY IDEA what is going on in Canada and Australia???



Write a comment...



Home



News



Marketplace



Groups



Notifications



Menu



EXHIBIT 3

11:53


[VIEW ENTIRE MESSAGE](#)


Aaron Helisek Jan 14



to me, Molli, Stephanie, lumineux ▾

Hello,

The brand is asking to hold on this partnership for now and for Katie not to post this month. They have received concerning messages about Katie's opinions regarding Covid and as the brand is heavily rooted in science, they do not see this partnership being a fit for them.

AARON HELISEK

Central Entertainment Group

[1001 Avenue Of The America's, 14th floor](#)[New York, NY 10018](#)www.cegtalent.com**From:** Katie Starks <katiestarksblog@gmail.com>**Sent:** Friday, January 14, 2022 2:03 PM**To:** Molli Skeens <molli@cegtalent.com>**Cc:** Stephanie Dooley <stephanie@cegtalent.com>; AaronHelisek <aaron@cegtalent.com>; lumineux<lumineux@NETORG612912.onmicrosoft.com>

...

[VIEW ENTIRE MESSAGE](#)


me Feb 2



to Katie ▾

Kimber Nelson

EXHIBIT 4



Confidential

January 14, 2022
VIA EMAIL
Katie Starks
21407 B Street
Elkhorn, NE 68022
Re: Notice of Termination of Engagement Agreement

Dear Katie:

Reference is made to the (i) Influencer Agreement (the "Agreement"), dated as of February 1, 2021 - January 31, 2022 by and between TULA Life, Inc. ("we", "us" or "our") and Katie Starks ("you" or "your"). Capitalized terms used but not defined herein have the meanings ascribed to them under the Agreement.

It has come to our attention that you have engaged in conduct that would disparage, denigrate, or portray an unfavorable light on the TULA brand across your Instagram page and Facebook page as referenced below. Please note, your code "KATIESTARKS" will be disabled as of today. You will receive all applicable commission you have earned from the code up until today, January 14, 2022.

We hereby notify you that we are terminating the Agreement and the related SOW, effective as of January 14, 2022.

Please be mindful of your obligations that remain due under this Agreement, including those obligations discussed in Section 6 (Confidentiality).

Instagram page referenced: www.instagram.com/katiestarks
Facebook page referenced: <https://www.facebook.com/luther.k.starks>

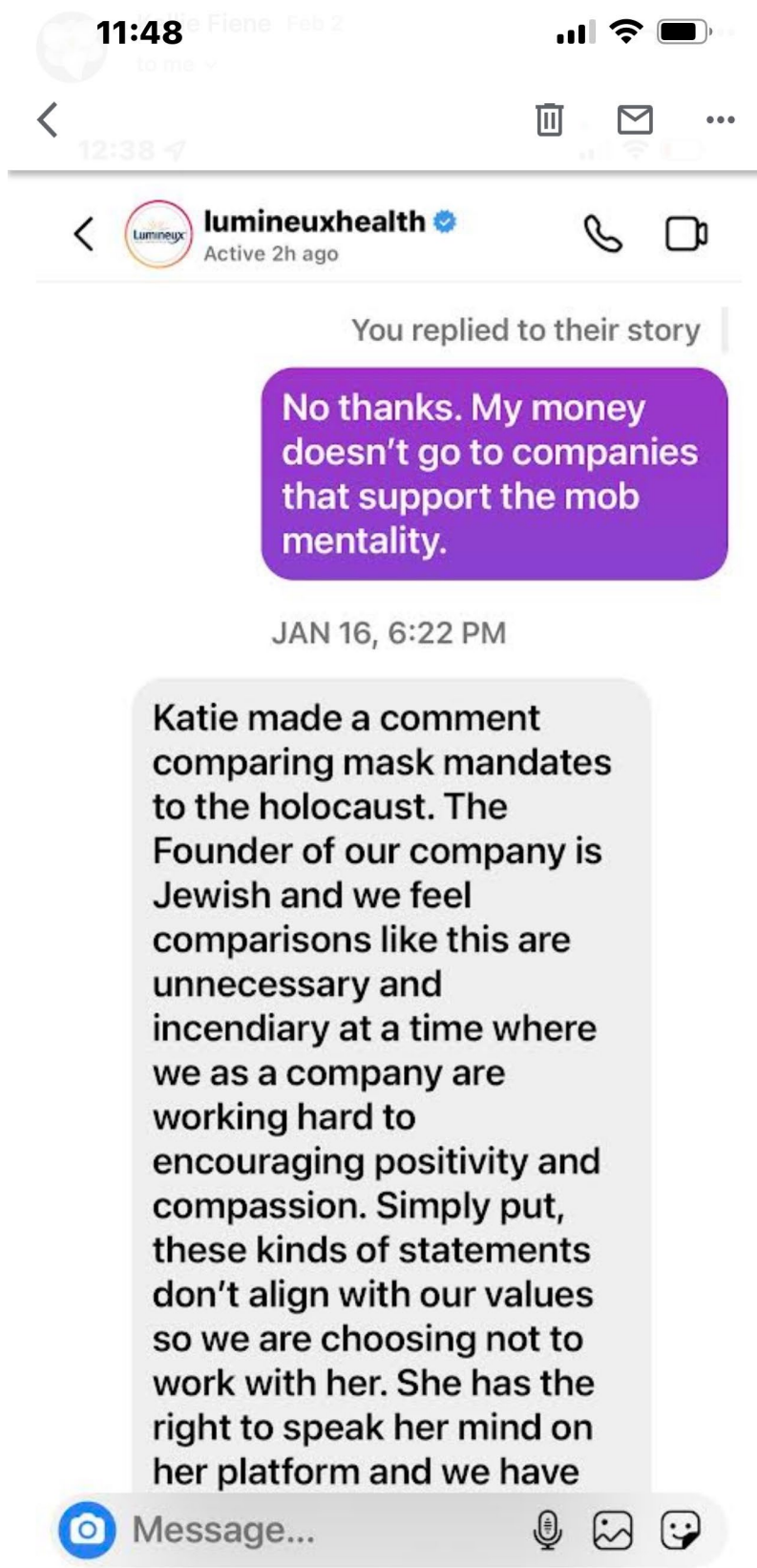
Please direct any questions to Melissa Wasser (melissa@tula.com) with cc: to Caitlin McLarnon (caitlin@tula.com).

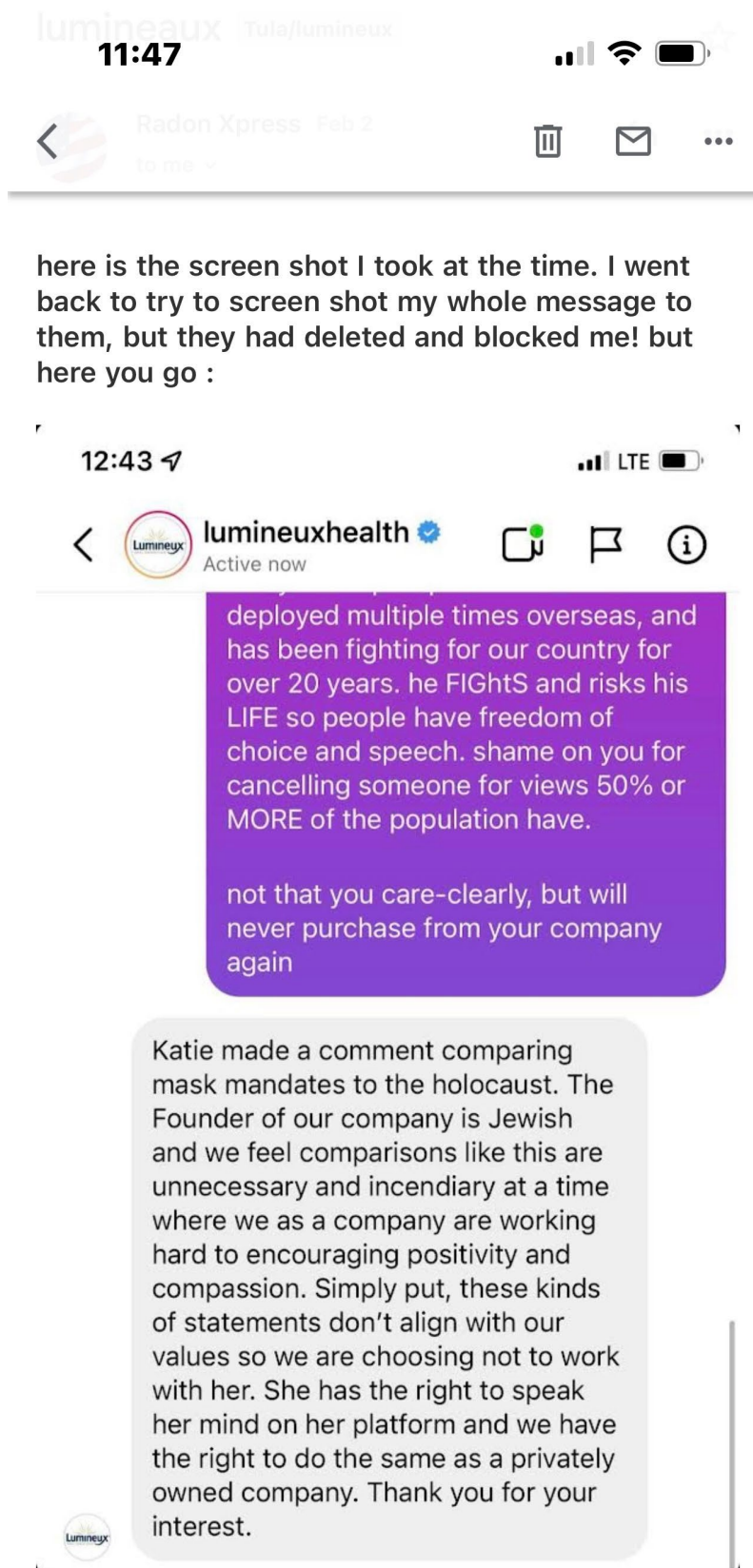
This notice is without prejudice to any of our rights, powers, privileges, remedies and defenses, now existing or hereafter arising, all of which are hereby expressly reserved.

Sincerely,

Melissa Wasser
Manager, Influencer Partnerships & Marketing

EXHIBIT 5





Rebecca Willey

EXHIBIT 6

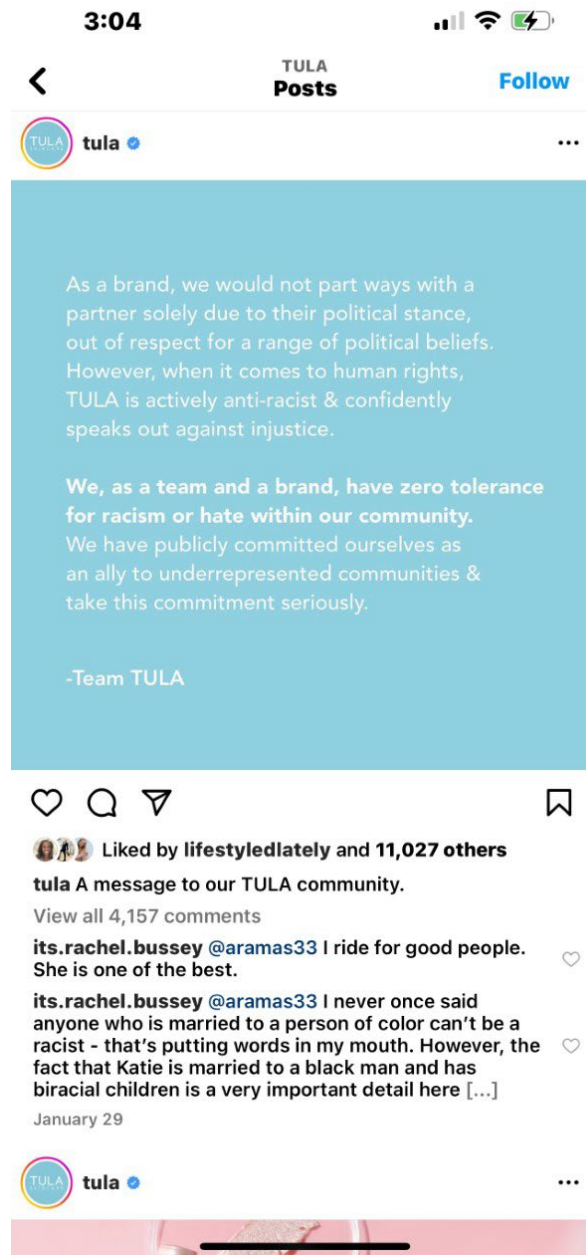


EXHIBIT 7

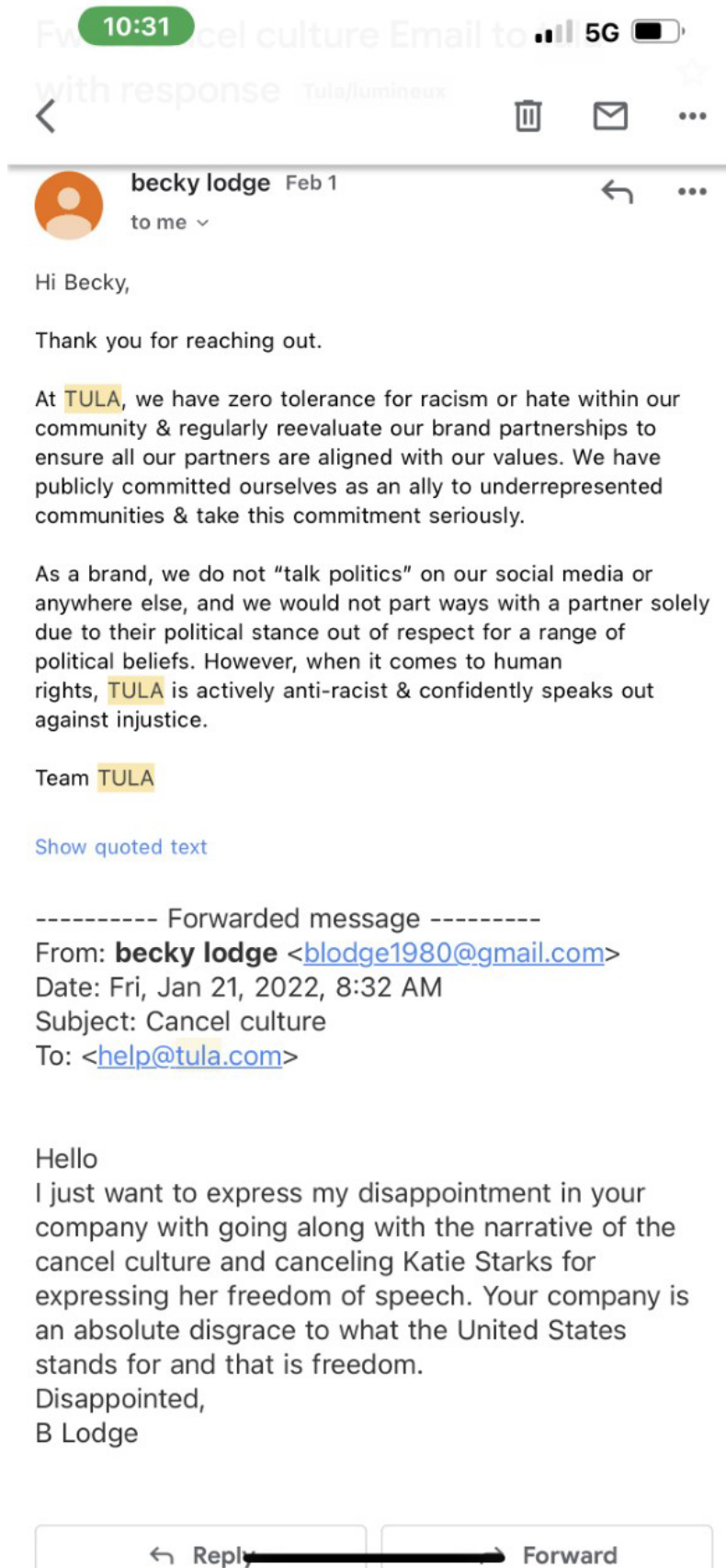


EXHIBIT 8

2:57



Comments



tula A message to our TULA community.

26w



mariadjse5 Never buying this woke brand whoever even suggest [@katiestarks](#) is racist needs to be in a mental institution never forget there's 80 mill of us and by the way we are all alive



14w 4 likes Reply Send



nvmsaline That's rich, since you are RACIST against conservatives and hypocritical!! I no longer buy your products, not to mention they are TOXIC !!



14w 5 likes Reply Send



mama__ashley Trashed my Tula products. I'll never buy again. I stand with [@katiestarks](#)!



14w 3 likes Reply Send



sashabearxoxo



16w 1 like Reply Send



kate_marga7 [@sarahramos](#) this is the post I mentioned. They put this out after they parted ways with a few influencers who just so happened to be conservative



20w 6 likes Reply Send



mollyburda



22w Reply Send



mama_scott8 Eh, Tula products were overpriced and mediocre at best... and not



Add a comment as katiestarks...

2:59



Comments



rgcarrow No more buying @tula! There are plenty of skin care brands to choose from, that have proven medical research behind their ingredients. Bye ! 🙌🙌



26w Reply Send



mollyusd2 Will never purchase from you! Shame on you for trying to censor differing political views.



26w 1 like Reply Send



sydney.porter.0626 What a shame Tula. You were such a great skin care company I've used for years BECAUSE of @katiestarks. As you part ways with her I am parting ways with your company. She was such a great advocate for your company and you decided to ditch her because she isn't a sheep like your "Woke" company. Her and her husband along with @lipstickheelsandababy are FIGHTING for our rights. Which means more to me than your company. You made a huge mistake by bowing to the "woke society". What happens to strong woman supporting strong woman who stand up for things they believe in?! Oh yeah... that only matters when it's approved by the mainstream. 🙄 do better @tula.



26w 2 likes Reply Send



katzmom1 You dropped these influencers because of their political views. Freedom of speech, that was not harming anyone. Will no longer purchase your products. You dropped people I enjoyed following and bought your items because of her, no more.



26w 1 like Reply Send



Add a comment as katiestarks...

2:57



Comments



beksanne This is classic double speak. That's the same thing without owning it. Who sets the standard of what is racism? Where's the proof? Anyone can and does call others everything under the sun so easily now, that the words nearly mean nothing. We can't all be racist but I'm pretttttty sure only people on the right are being called racist. Do better Tula.



25w 1 like Reply Send



Idonald Canceling Jess Fay due to her picture of Trump is discrimination. She never discusses anything but fun and fashion. Many of us still stand for morals and values. You are discriminating against the conservatives. These ladies you cx are definitely not racist. I will never support a company like this. Sad day in America!



25w 7 likes Reply Send



dancehellokitty This is the biggest bullshit post. I won't say I ever read because that's not true. If you guys expect anyone with a brain to believe these ladies all of a sudden got cancelled because they're "racist" you're sadly mistaken. [#freedom](#) [#FJB](#) [#lets gobrandon](#) [#masksdontwork](#) unbelievable 🤡🌐



25w 4 likes Reply Send



layne_151 Never ordering from Tula again!



25w 5 likes Reply Send



gretchens_healthy_journey [@tula](#) what a shitty company. Thank gosh I never tried your overpriced, crappy products. Standing with [@katiestarks](#)



Add a comment as katiestarks...

3:04



Comments



jillmelt81 @tula I never have never and never will buy your products!!



26w 1 like Reply Send



morgan__mashburn Tula, you should be ashamed of yourself!! Do better!! This is embarrassing on your end!



26w 1 like Reply Send



is_that_becka I hope Katie sues the pants off of you and you go bankrupt. Slander and defamation are no joke Tula [#canceltula](#)



26w 1 like Reply Send



is_that_becka [#CANCELTULA](#) [#boycotttula](#)



26w 1 like Reply Send



shelbeykthompson How is Katie Starks racist? She's married to a black man and has black children??? I'm VERY CONFUSED to this "message" she has never said anything racist... and she's never tried to force her beliefs on ANYONE. this is just so Ass backwards. I'm sad bc I've LOVED Tula and ONLY USED IT BC OF katie and watching what it did for her skin... but damn this is just NOT OKAY.



26w 2 likes Reply Send



cassandraannbrooks HAHHAHAHAHAHA. More like we didn't want our investors to back out 😂😂 "racist" my ass hahahahahaha. Will never buy from this brand again



26w 1 like Reply Send



Add a comment as katiestarks...

EXHIBIT 9

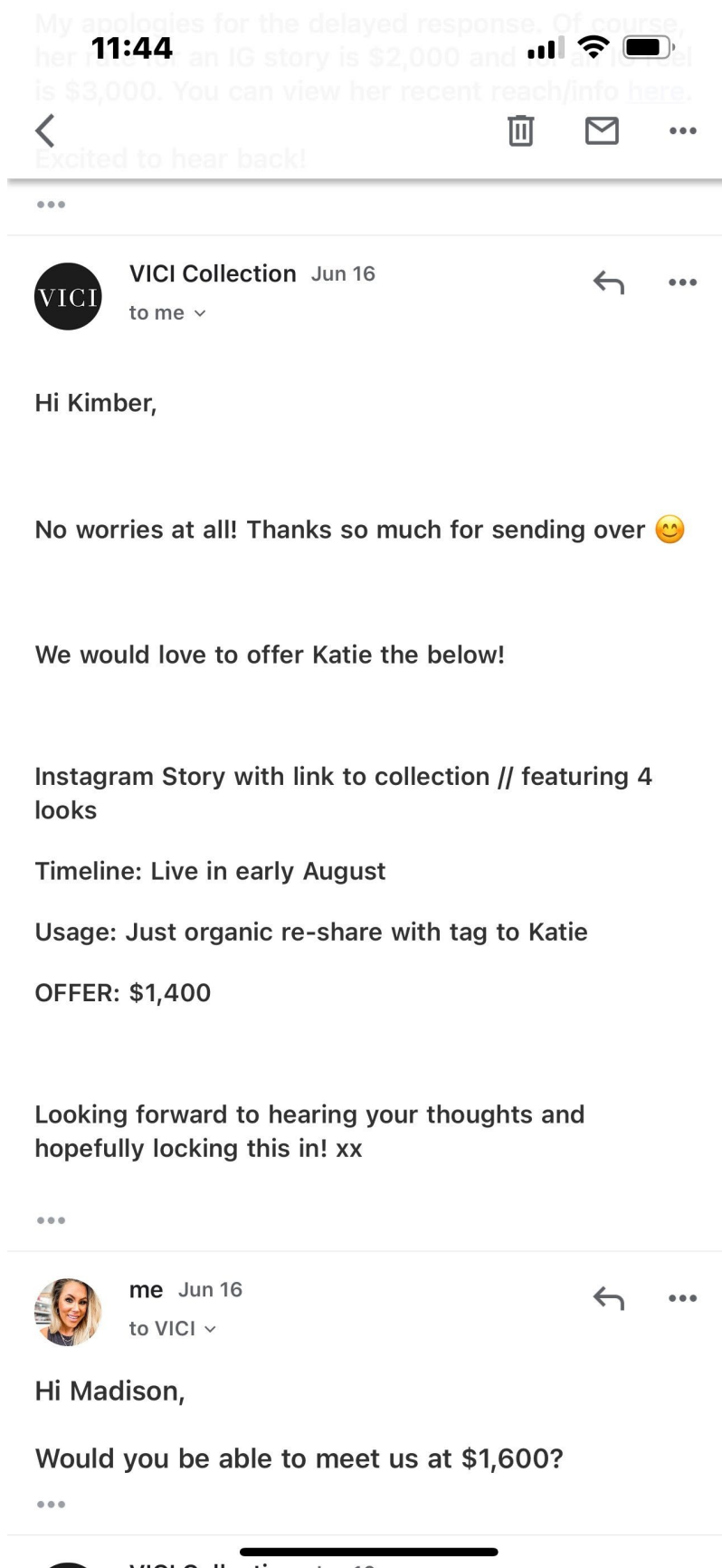




EXHIBIT 10

